

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Luis ARNOLDO-Arevalo

Defendant.

Magistrate Case No.

BY UNITCOMPLAINT FOR VIOLATION OF

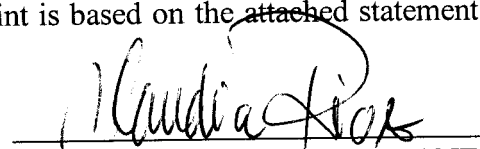
Title 8, U.S.C., Section 1326

Attempted Entry After Deportation
(Felony)

The undersigned complainant being duly sworn states:

On or about **January 9, 2008**, within the Southern District of California, defendant **Luis ARNOLDO-Arevalo**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro, California, Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the ~~attached~~ statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT

Claudia Rios

U.S. Customs and Border
Protection Enforcement Officer

Sworn to before me and subscribed in my presence this **10th** day of **January 2008**.


United States Magistrate Judge

Probable Cause Statement

On January 9, 2008 at approximately 0850 hours, a male later identified as **Luis ARNOLDO-Arevalo (Defendant)** made application for admission into the United States from Mexico at the pedestrian entrance of the San Ysidro, California Port of Entry. Defendant was traveling alone. Defendant presented a B1/B2 Border Crossing Card (Form DSP-150) bearing the name Agustin Gonzalez-Torres as his entry document to a Customs and Border Protection (CBP) Officer. Defendant also presented a Mexican Driver's License and a Mexican Voter's Card. Defendant stated he was going to San Ysidro, California. The CBP Officer noticed the entry documents appeared to be counterfeit and escorted Defendant to secondary inspection.

In secondary, Defendant's fingerprints were obtained and queried through the Integrated Automated Fingerprint Identification System (IAFIS) and the Automated Biometric Identification System (IDENT). Results of IAFIS and IDENT queries, revealed Defendant's identity and linking him to FBI and Immigration Service records.

Queries of Immigration Service records including Central Index System (CIS) and the Deportable Alien Control System (DACS) identified Defendant as a citizen of Mexico with no legal documents to enter the United States. DACS information indicates that on or about February 21, 2006 Defendant was removed from the United States to Mexico. Defendant was subsequently removed from the United States to Mexico through Calexico, California. Immigration service records contain no evidence that Defendant has applied for or received permission from the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security to legally re-enter the United States.

During a videotaped proceeding Defendant was advised of his Miranda Rights. Defendant acknowledged his rights and agreed to answer questions without the benefit of counsel. During a subsequent interview, Defendant admitted he is a citizen of Mexico by birth in Durango, Durango, Mexico. Defendant admitted he possesses no documents or other benefit that would permit his legal entry into the United States. Defendant admitted that a male friend in Tijuana provided him with the counterfeit documents he presented at primary inspection. Defendant admitted he intended to enter the United States and travel to San Ysidro, California. Defendant admitted that he has been previously removed from the United States. Defendant admitted that he has never applied for permission to legally enter the United States.